

NEW JERSEY

CITIZEN ACTION

Public Release/Press/Executive Director

Media/Dispatch

To: Lisa (Chair)
 & Ben (Vice Chair)
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 International Union of Electronic Workers,
 District 2

Jeff Rosenbaum
 Communications Workers of America,
 Local 1007

Debra Smith
 Director in regional organization
 Black Union Alliance

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 Coalition of Union Welfare Organizations
 Henry Gordon

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 American Federation of State, County &
 Municipal Employees, Administrative Council
 Joseph Harwood Pappas
 YWCA State Council

Jeff Hunt
 Unemployment Improvement Association
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NJ Education Association
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 NJ Teacher Organization

International Federation of Professional
 & Technical Engineers, Local 180

Dr. Richard
 Communications Workers of America,
 Local 1004

Mr. Harold Tyt
 President, Team Force for Community Action

Ann Vignone
 Ann M. Vignone (Alternate)
 NJ State Federation of Teachers

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Pat Allen
 National Housing Institute

Heidi Gutman
 Glass Workers' League (CWA)

James Doyle
 All Kountables (Alternate)
 Bergen County-Central Trades & Labor
 Council, AFL-CIO

Jeffrey Brannen
 Communications Workers of America,
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Mr. F. S. Gifford
 Community Union (Reverend) Districts

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 Joan J. Flynn (Alternate)
 City of Newark of Northern NJ

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 St. Matthew A.M.E. Church

2. Mary
 4000 Districts (Alternate)
 NJ Industrial Union Council

Dr. Richard
 Communications Workers of America,
 District 2

John Martin
 International Union of Electronic Workers,
 District 2

Dr. Mary
 Housing & Neighborhood Development
 Services, Inc.

William G. Terrell
 United Auto Workers, Region 2

Dr. Mary
 4000 Districts (Alternate)
 Health Professionals & Allied Employees

of NJ, APT
 Gloria Wolf

Communications Workers of America,
 Local 1006

Shirley Thomas

Council of NJ State College Locals, APT

Here's a Fact:

The General Accounting Office (GAO) reports that only 20% of Medicaid-eligible children have received a blood test for lead poisoning even though the law requires it.

And here's a FAX:

To: *Frank Hutchins*

From: *John Weber*

Pages including this 3

FAX: *973-643-0099*

Date: *3-28-00*

Urgent

For Review

Please Comment

If you experience problems with this transmission please call
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New Jersey Citizen Action / Newark Partnership for Lead Safe Children Campaign to Stop Using Kids as Lead Detectors

Reminder:

Meeting with Cory Booker will be on April 5th at 10:00am in his office, Newark City Hall, 3rd Floor.

Our Campaign Goal is to change the way the City inspects for lead hazards to make the inspections emphasize prevention. One goal of this meeting is to give everyone a chance to really participate and become familiar with the issue and the process. NJCA would like nothing more if participating groups took the lead on this and helped with future meetings.

Background: Right now, the City only inspects a child's residence for lead hazards after the child has been poisoned. This uses children as lead detectors and is obviously unjust. We want to change this by City ordinance or by some other policy change.

We believe the City could inspect for lead hazards before they poison children in one of three ways.

- First, the Department of Health's Lead Program could inspect homes for lead on request so an occupant would know if lead is present. If a lead hazard were found it would not have to be abated if there was no lead poisoned child at that address. Of course, the Lead Program would still give priority to inspecting homes where children had elevated blood leads. We understand that staffing in the Lead Program has been difficult. However, if the Department's goal of ten lead inspectors/risk assessors is reached then inspections on request should be possible. *The drawback to this option is that the Director of Health has said she is opposed to it. I believe this is because she assumed every lead hazard found would require a lead abatement and this would displace many families. This actually is not true unless a child was poisoned at that address.*
- As an alternative, the Division of Inspections and Enforcement within the Department of Neighborhood Services could do lead inspections on request. This is the office that responds to complaints of rats, roaches, no heat, no hot water and a long list of other housing code violations, and orders landlords to fix problems. These housing inspectors do respond to complaints of peeling paint but have no way of determining the presence of lead. This office might be more able to handle the extra requests for lead inspections since it employs five to seven housing inspectors per ward. These inspectors would have to be trained and equipped to simply detect lead paint. Or, these housing inspectors could assume any peeling paint in a pre-1978 house was lead paint, and provide both the tenant and landlord with a report stating so. This is similar to New York City's policy. In NYC, the complaint-driven Housing Preservation and Development office will respond to a tenant's complaint of peeling paint. If the building was built before 1960, the inspector writes it up as a lead violation and the landlord is ordered to abate. This is a logical assumption. If, for some reason, the paint does not contain lead, the burden is on the landlord to prove it is lead-free. *The obstacle here is training and equipping the workers. And the question is, how does an ordinance make them do something different from what they do now? (ie now if*

they find peeling paint, they tell the landlord to fix it. If they are equipped to find lead paint, they will still tell the landlord to fix it.)

- As another possibility, Newark could require a lead inspection as part of a Certificate of Occupancy requirement before all housing units sold or re-rented. The City of Paterson has successfully implemented such an ordinance. The ordinance is enclosed. This ordinance requires property owners to request a lead inspection before re-renting or selling a housing unit. The landlord pays a \$100 fee and the report is issued to the landlord and the tenant. *The problem with this approach is that there is no certificate of occupancy required in Newark that a lead inspection could be added to. Getting a C of O requirement in Newark would be a good thing, but it would require many other things besides lead. Real Estate interests and Landlords would fight this vigorously and they are well organized and funded.*

Any one of these would be acceptable and would discover lead hazards before they poison children. A combination of these might be possible as well. The first option seems the easiest to implement, and presents the least barriers.

Our goal of this meeting, and subsequent meetings with Council Members, is find out

1. If they agree with the principle of our efforts
2. If they will support such an ordinance
3. If they will sponsor such an ordinance
4. If they will actively work to pass such an ordinance

People coming to the meeting should be prepared to describe one of the 3 options to the Council Member, and directly ask one of the four questions above. An annotated agenda will be circulated before the meeting so everyone knows his or her part.

A few points to remember:

- There is a difference between the presence of lead and a lead hazard. Lead paint is not a danger just because it is there. It is only dangerous when it is chipping, peeling, flaking or disturbed in some other way, like renovating. Only then is it a lead hazard.
- The City has gone from having one lead inspector at this time last year, to having six on the job now (three City employees and three by private contract) and more are in training.
- Last year 662 children were known to be lead poisoned in Newark. It is reasonable to think more were poisoned but never tested.
- There is a federal housing code called Title X (ten) that requires property owners to disclose the knowledge or lack of knowledge about lead paint hazards upon renting or selling a pre-1978 housing unit. If a lead inspection was done because of a request or a complaint, and lead paint or hazards were found. Even if a Newark ordinance does not require a full lead abatement, it would make more lead hazards known, and require their disclosure at real estate transactions.